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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,923	12/08/2000	Eiji Nakamura	107443	9836

7590

06/10/2002

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EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,923

Applicant(s)

NAKAMURA ET AL. ✓ cd

Examiner

Bradley T King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3683

DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Species I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the election of species was improper as the species were identified by claims. This is not found persuasive because in cases where the species can not be conveniently identified by figures, the claims may be used to identify the species. See MPEP 809.02(a)(B). With regards to the burden of search, the species require different searches as the non elected species is directed towards power supply to the brake system.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3683

4. Claims 1-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonner et al (WO 98/28174) in view of Schramm et al.

Jonner et al disclose a brake fluid pressure control device including a fluid pressure control unit with a plurality of control valves capable of controlling fluid pressures in a plurality of wheel brakes to inhibit rotation of a plurality of wheels. Jonner et al lack the details of the controller. Schramm et al teach a brake force control device including a controller 1, a pressure control unit 2a-2b that operates in accordance with a control signal supplied from the controller, a plurality of signal lines, the plurality of signal lines are divided into a plurality of signal line groups, and the signal lines of a first one of the signal line groups are connected between the controller 1 and the fluid pressure control 2 unit by a first connector, and the signal lines of a second one of the signal groups are connected between the controller and the pressure control unit by a second connector. Note the pressure control unit 2a and 2b are separate modules connected via a bus to the controller 1. Therefore, each inherently has a connector of some sort. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a redundant control system such as taught by Schramm et al in the system of Jonner et al to control the braking pressures in a safe and reliable fashion.

Regarding claims 2-3, Jonner et al group brake circuits diagonally, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the pressure control units in the same manner.

Regarding claim 7, Jonner et al disclose an operational state detector 38-39.

Art Unit: 3683

5. Claims 1, 4-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poertzgen et al.

Poertzgen et al disclose a brake fluid pressure control device including a fluid pressure control unit with a plurality of control valves capable of controlling fluid pressures in a plurality of wheel brakes to inhibit rotation of a plurality of wheels. Poertzgen et al lack the details of the controller. Schramm et al teach a brake force control device including a controller 1, a pressure control unit 2a-2b that operates in accordance with a control signal supplied from the controller, a plurality of signal lines, the plurality of signal lines are divided into a plurality of signal line groups, and the signal lines of a first one of the signal line groups are connected between the controller 1 and the fluid pressure control 2 unit by a first connector, and the signal lines of a second one of the signal groups are connected between the controller and the pressure control unit by a second connector. Note the pressure control unit 2a and 2b are separate modules connected via a bus to the controller 1. Therefore, each inherently has a connector of some sort. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a redundant control system such as taught by Schramm et al in the system of Poertzgen et al to control the braking pressures in a safe and reliable fashion.

Regarding claim 4, Poertzgen et al group brake circuits by axle, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the pressure control units in the same manner.

Regarding claim 7, Poertzgen et al disclose an operational state detector 101a.

Art Unit: 3683

Regarding claim 8, Poertzgen et al disclose circuits where the front brakes are connected to both the fluid pressure source 102 and the pump 110, the rear brakes are connected only to the pump.

Allowable Subject Matter

6. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jonner et al (US equiv of WO 98/28174), Eckert et al, and Reinecke. All show braking systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley King whose telephone number is (703)308-8346.

BTK

June 3, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
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6/3/02